

ORDINANCE NO. 20-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 706.8.B OF THE LAND DEVELOPMENT CODE TO CLARIFY THE REQUIREMENTS FOR POST-DEVELOPMENT CONSERVATION EASEMENTS FOR WETLANDS AND WETLAND BUFFERS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. Section 706.8.B of the Land Development Code sets forth the requirement for post-development conservation easements for wetlands and wetland buffers within unincorporated Manatee County.
2. It is in the interest of the public health, safety and welfare to adopt the amendments set forth in this Ordinance to clarify the requirements for post-development conservation easements for wetlands and wetland buffers.
3. The Manatee County Planning Commission held duly noticed and advertised public hearings on July 9 and August 13, 2020, received public comments, the staff report and has reviewed the amendments set forth in this Ordinance and has found these amendments to be consistent with the Manatee County Comprehensive Plan and the standards for review in Section 341 of the Code, and has recommended their adoption to the Board, on September 3, 2020 and October 1, 2020.

Section 3. Amendment of Section 706.8.B of the Land Development Code. Section 706.8.B the Land Development Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Land Development Code.

Section 5. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 1st day of October 2020.

**BOARD OF COUNTY
COMMISSIONERS OF MANATEE
COUNTY, FLORIDA**

By: _____
Betsy Benac, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court and Comptroller**

By: _____
Deputy Clerk

ORDINANCE EXHIBIT "A"
AMENDMENT OF SECTION 706.8.B OF THE LAND DEVELOPMENT CODE
(underlined language added, strike-through language deleted)

706.8. - Easements.

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B. Post Construction Conservation Easements. A Conservation Easement shall be granted to the County over all wetlands and associated wetland buffers, within the project limits (separately from and in addition to any conservation easement granted to a State or Federal agency in connection with development), subject to the County making an individualized determination of rough proportionality of (i) the needed conservation area and (ii) the environmental impacts generated by the applicant's project, based upon an environmental impact analysis. Said easement shall be dedicated to and enforceable by Manatee County for the benefit of the County and the property owners of the project in which the wetland is located. The easement shall accomplish the following:

1. Preserve and protect the conservation values of the property;
2. Allow County access to the property at reasonable times in order to monitor compliance with, and otherwise enforce, the terms of the easement; provided that such entry shall be upon prior reasonable notice to the property owner and will not interfere with the owner's use and quiet enjoyment of the property; and
3. Prevent any activity or use of the property that is inconsistent with the purpose of the easement and to require the restoration of such areas or features of the property that may be damaged by any inconsistent activity or use.

~~The~~ If required, Conservation Easements shall (i) be subject to the approval of the Department Director, and coordinated with the ~~County Attorney and Property Management Department.~~ Conservation Easements shall, and (ii) be dedicated concurrently with Final Plat approval, or Certificate of Occupancy issuance for projects not requiring Final Plat.